
**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

R.S.A. No. 292 of 2005

Date of decision: 21.9.2007

Jasbir Kaur and others

...Appellants

Versus

The Chunia Pursharti Multipurpose Coop. Societies Ltd. Bazidpur

...Respondent

CORAM: HON'BLE MR.JUSTICE RAJESH BINDAL

Present: Mr. Arvind Singh, Advocate for the appellants.

Mr. Ranjit Saini, Advocate for the respondent.

RAJESH BINDAL, J.

This is defendant's second appeal against the concurrent findings of fact by both the Courts below.

The respondent/plaintiff filed a suit for declaration to the effect that the entries in the Jamabandi for the year 1992-93 in the column of possession/cultivation in Khasra girdawari from Sawani 1998, the name of the appellants/defendants have been shown illegally and prayer was for correction thereof. The suit filed by the respondent/plaintiff was decreed by the trial Court to the effect that entries in the Jamabandi for the year 1992-93 in the column of possession/cultivation and in Khasra girdawari from 1998 onwards in the name of appellants/defendants were wrong against the law and same were ordered to be corrected in the name of respondent/plaintiff. The appeal filed by the appellants/defendants against the judgment and decree of the trial Court was dismissed by the Lower Appellate Court.

It was pleaded that the wrong entries made in the revenue record were challenged before the Assistant Collector by the

appellants/defendants, which were ordered to be corrected by him on March 8, 1994 and that order was given effect to. However, in appeal against the above order, the Collector while setting aside the order of the Assistant Collector, remanded the case back to the Assistant Collector for re-determination. The revision filed by the appellants/defendants before the Commissioner was also dismissed vide order dated March 14, 1995. Once the very basis for change in the entries in the Jambandi and Khasra girdawari was non-existent, the correction made by the revenue authorities on the basis thereof deserves to be set aside.

On the other hand, appellants/defendants disputed the claim raising the plea of limitation and locus standi of the respondent/plaintiff to file the suit.

As regards the plea of limitation and maintainability of the suit, a perusal of the judgments and decree of the Courts below show that both issued were not pressed by the appellants/defendants. The status of the proceedings before the revenue authority after its remand by the Collector are not on record. Still further once the order on the basis of which change of entries in the Jamabandi and Khasra girdawari were ordered by the Assistant Collector have been set aside by the higher authorities, respondent/plaintiff was, accordingly, entitled to the relief claimed for by him, which was rightly granted by both the Courts below while directing the correction thereof.

Accordingly, I do not find any merit in the present appeal and the same is dismissed.

September 21, 2007
Pka

(Rajesh Bindal)
Judge